

REMARKS

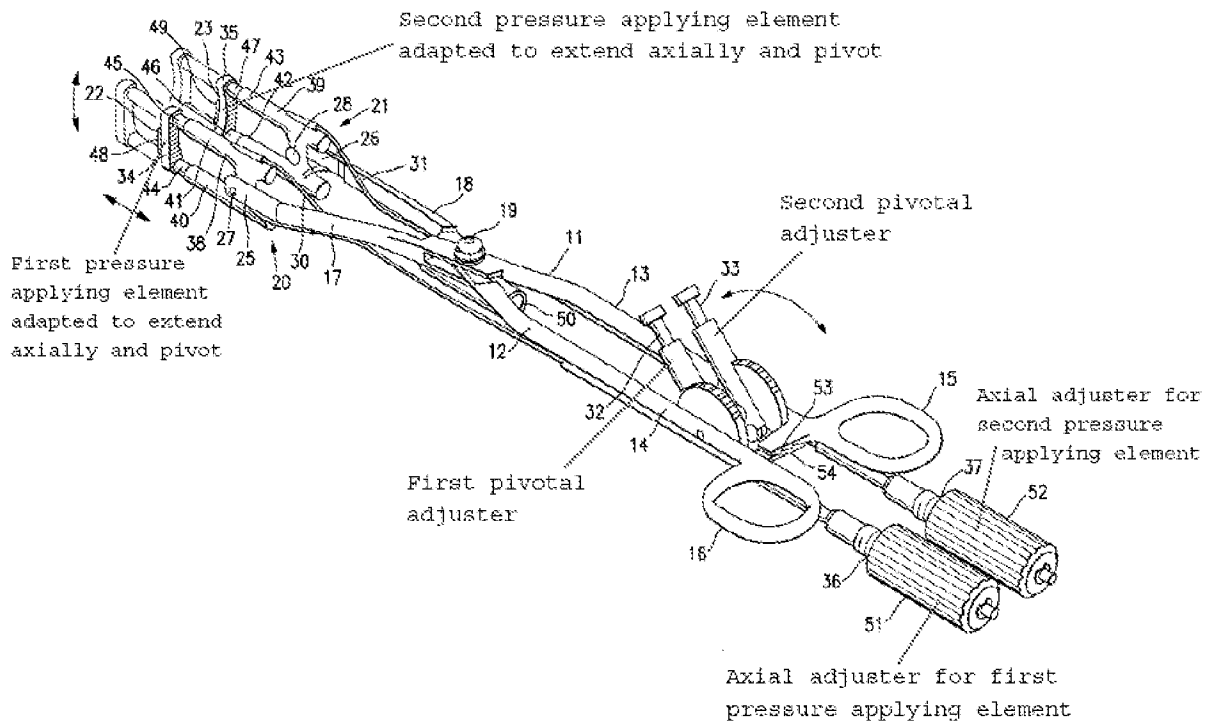
The present Preliminary Amendment is submitted with a Request for Continued Examination (RCE) filed herewith, and is in response to a Final Office Action mailed June 23, 2009, in the above-identified patent application.

In the above-referenced Final Office Action, the Examiner allowed claims 41 and 43-46, and objected to claims 12, 33, 38, and 40 as being dependent upon a rejected base claim, but indicated that the claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants acknowledge and appreciate the Examiner's allowance of claims 41 and 43-46, and indication that claims 12, 33, 38 and 40 contain allowable matter.

In the present Preliminary Amendment, Applicants have amended independent claims 1, 32 and 34. Applicants have also amended dependent claims 12, 33, and 38 to provide a proper antecedent basis for each of those claims. The above-noted claim amendments are fully supported by the originally filed specification and add no new matter. For example, support for the amendment of independent claims 1, 32, and 34 is found, *inter alia*, in paragraph [0037] of the originally filed specification.

The present patent application is directed to an occlusion device for asymmetrical uterine artery anatomy. Referring to FIG. 1 thereof (shown below), in one embodiment, the device includes first and second occluding members 11, 12 that are connected together at a pivot 19. The distal ends of the first and second occluding members 11, 12 have respective first and second pressure applying occluding elements 22, 23 attached thereto. Each pressure applying occluding element has independent distal movement and independent pivoting movement for engaging an asymmetrical uterine artery anatomy.

A first axial adjuster 51 is operable for distally extending the first pressure applying occluding element 22, and a first pivotal adjuster 32 is operable for pivoting the first pressure applying occluding element 22. A second axial adjuster 52 is operable for distally extending the second pressure applying occluding element 23, and a second pivotal adjuster 33 is operable for pivoting the second pressure applying occluding element 23. Blood flow sensors 48, 49 are provided at the distal faces of the respective first and second pressure applying occluding elements 22, 23 for detecting blood flow.



The prior art references cited by the Examiner do not teach the combination of independent distal movement and independent pivoting movement for a pair of distally-located pressure applying occluding elements.

Independent claim 1 is unanticipated and unobvious over the prior art of record because the cited references neither teach nor suggest the limitations found therein including an intravaginal device “wherein the first and second pressure applying occluding elements are pivotally secured to the respective first and second distal shaft sections and are adapted for pivoting independently of one another.”

Independent claim 32 is unanticipated and unobvious over the prior art of record because the cited references neither teach nor suggest the limitations found therein including an intravaginal device “wherein the first and second pressure applying occluding elements are adapted to pivot independently of one another.”

Independent claim 34 is unanticipated and unobvious over the prior art of record because the cited references neither teach nor suggest the limitations found therein including an intravaginal device “wherein the first and second occluding elements are adapted for pivoting independently of one another.”

The remaining claims pending in the present application are patentable, *inter alia*, by virtue of their dependence from claims 1, 32, 34, and 41, respectively.

As it is believed that all of the rejections set forth in the Final Office Action have been overcome, favorable reconsideration and allowance of the present application is earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 689-8700 in order to overcome any additional objections that she may have.

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Respectfully submitted,

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